

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

UNITED STATES OF AMERICA,)
)
 v.) Criminal No. 3:13CR022
)
DAVID EDWARD SLEEZER,)
 Defendant.)

)

STATEMENT OF FACTS

The United States and the defendant stipulate that the following facts are true, and had this matter proceeded to trial the United States could have proven them beyond a reasonable doubt:

1. At all relevant times during the course of conduct described in this Statement of Facts, the defendant, DAVID EDWARD SLEEZER, lived in Mechanicsville, Virginia, which is located in the Eastern District of Virginia.

2. In September and October 2012, an FBI agent connected to the Internet in an online undercover capacity. Utilizing the Ares peer-to-peer (P2P) network, the agent connected directly to IP address 24.131.9.37 using a law enforcement version of the Ares P2P file sharing program. While connected to this IP address, the agent obtained a list of file names available for downloading in the Ares Shared Folder of the computer using this IP address to connect to the Internet. The agent viewed the list of files, and based on training and experience determined the filenames were consistent with child pornography. On October 9, 2012, the



agent then downloaded two movie files from this IP address, both of which contained child pornography. One file in particular, entitled “(pthc) kgirl – anal.avi,” discussed in greater detail below, provides the basis for Count Two of the pending indictment.

3. On November 16, 2012, agents from the FBI executed a Federal search warrant at the residence connected to the IP address 24.131.9.37. The investigation revealed no evidence of child pornography at that residence. Examination of the logs and configuration of the wireless router at the residence indicated a network device with a host name of “davids” and a Media Access Control (MAC) address of 00:08:54:8f:b0:fb (hereafter “the Target MAC”) had connected to the wireless router. The owners of the residence agreed to let the FBI install monitoring equipment to uncover the identity of the unknown user who had connected to their wireless router without their permission.

4. The FBI determined through the use of technical means and additional ISP business records (obtained pursuant to subpoena) that the Target MAC was located at or near 8275 J David Lane, Mechanicsville, Virginia, which is located across the street from the home referenced in Paragraph Three above, and is the residence of the defendant, DAVID EDWARD SLEEZER.

5. Agents obtained and executed a federal search warrant on January 23, 2013, at the 8275 J David Lane address. During execution of the search warrant, agents interviewed the defendant, who was home at the time they executed the

warrant. The defendant confirmed that he was the owner and sole resident of 8275 J David Lane. SLEEZER verified that he was the only individual who used and had access to the computer, and he further admitted that he did not have Internet service provided directly to his home but that he connected to the Internet by accessing a nearby unsecured Wi-Fi router.

6. During execution of the search warrant, investigators found that the defendant's computer was on, the Ares P2P program was running, and the defendant's computer was connected to his neighbor's Wi-Fi router discussed in Paragraph Three above. The defendant's computer had 51 files available in the Ares Shared Folder, all of which had names indicative of child pornography. Agents recovered two 4GB thumb drives near the defendant's computer that they determined contained child pornography, along with seven CDs that also contained child pornography.

7. Investigators located the file entitled "**(pthc) kgirl - anal.avi**" (previously downloaded during the October 9, 2012 undercover investigation) in both the Ares Shared Folder on the defendant's computer as well as one of the 4GB thumb drives agents seized from his house. This is a video file that is approximately three minutes in length. It depicts a female child, approximately four to six years of age, performing oral sex on an adult male. Thereafter, the child lies on her stomach and spreads her buttocks apart with her hands as the adult male penetrates her anus with his erect penis. This file traveled via the Internet, a

means and facility of interstate and foreign commerce, prior to the defendant downloading it to his computer.

8. As part of his guilty plea, the defendant acknowledges that he committed the above conduct knowingly and intentionally, not by accident or mistake, and that he knew his conduct was illegal at the time.


Respectfully submitted,

NEIL H. MACBRIDE
UNITED STATES ATTORNEY

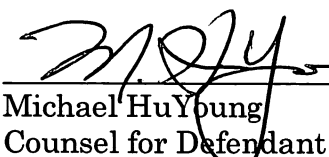
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I agree that the above facts are true to the best of my knowledge.


DAVID EDWARD SLEEZER
Defendant

I am counsel for defendant. To my knowledge, his decision to agree to this Statement of Facts is an informed and voluntary decision.


Michael HuYoung
Counsel for Defendant